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ABSTRACT

This briefing book offers guidance to Congress, the Administration, and state legislatures about which issues are important to the nation's largest ethnic groups, focusing on: "Civil Rights" (hate crimes, racial profiling, sentencing reform, and voting rights); "Economic Mobility" (e.g., banking and financial services, pensions, savings, Social Security reform, tax cuts, and welfare reauthorization); "Education" (e.g., early childhood education, the education budget, adult English as a Second Language Services, and college access for immigrant students); "Health Care" (e.g., restoration of immigrant benefits, access to health insurance and Medicaid reform, language access, and community health centers); "Housing" (fair housing and housing counseling); "Immigration" (e.g., comprehensive immigration reform, post-September 11 immigration policies, state and local police enforcement of immigration law, and farmworkers); "NCLR's State and Local Policy Activities" (California and Texas, health, driver's licenses, language access, naturalization, and education); and "Population Tables" (states ranked by Hispanic population, 1990 and 2000, and states ranked by growth of Hispanic population, 1990 to 2000). Includes a list of resources on the various issues covered in the guide. (SM)

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NCLR Agenda for Hispanic Families:

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NCLR's public policy agenda is the culmination of a collaborative effort by staff within the Office of Research, Advocacy, and Legislation. Sections of this policy briefing book were drafted by the following staff members: Policy Analysts Angela Arboleda, Patricia Diaz, Cristina Huezo, Melissa Lazarin, Sue Liu, Brenda Muñiz, Jessica Muñoz, Sean Thomas-Breitfeld, and Marcela Urrutia; Senior Policy Analysts Raul González and Michele Waslin; Clarissa Martínez de Castro, Director, State and Local Policy; and Charles Kamasaki, Senior Vice President. Eric Rodriguez, Director of the Economic Mobility Project, coordinated the development of the briefing book, and Sonia M. Pérez, Deputy Vice President, edited and reviewed the document. Charles Kamasaki, Senior Vice President and Cecilia Muñoz, Vice President, provided substantive oversight and guidance. In addition, Jennifer Kadis, Editor, provided editorial oversight, and Ofelia Ardón-Jones, Senior Design Specialist in the Graphics and Design Unit, was responsible for the design and layout of this document. The content of this paper is the sole responsibility of NCLR and may not reflect the views of NCLR's funders or any other individual or organization that assisted in its preparation.

ERRATA SHEET

Page 1 Footnote "**" should read: This figure includes Hispanics in the 50 states and the District of Columbia.

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INTRODUCTION

The period leading to the 2004 elections is an important time for the nation's Hispanics.* During this time, the George W. Bush Administration, Congress, and state legislatures will debate policies that can either expand or narrow opportunities for the nearly 13% of the U.S. population that is Hispanic.** Because Latinos are becoming a larger proportion of the overall population, national- and state-level policies that affect Hispanics will undoubtedly impact the country as a whole.

Earlier this year, the Census Bureau released new estimates of the U.S. population, which showed that the Latino population grew 4.7% since Census 2000 to reach 37 million. These data confirm previous projections that the Hispanic community, which nearly doubled between 1990 and 2000 (see Table 1), would become the nation's largest ethnic minority group. Moreover, a larger proportion of Latinos (35.0%) are under the age of 18 compared with the national average of other Americans (25.7%), and almost half of Hispanics are under 25 years old.

The 2000 Census also showed that Hispanics are no longer a regional population, but a national one (See Figure 1). For example, while the states with long-standing Latino populations all experienced significant growth from 1990 to 2000, the most dramatic growth occurred in "nontraditional" states in the Southeast and Midwest (see Table 2). These "emerging Latino communities" present the nation with opportunities and challenges. In many

Figure 1

Distribution of U.S. Latino Population, by Selected States, 2000

Source: NCLR calculations, based on data from the U.S. Census Bureau, 1990 and 2000 Decennial Census.

* The terms "Hispanic" and "Latino" are used interchangeably to identify persons of Mexican, Puerto Rican, Cuban, Central and South American, Dominican, Spanish, and other Hispanic descent; they may be of any race.

** This figure includes Hispanics in the 50 states, District of Columbia, and Puerto Rico.

of these states, the Hispanic labor force has helped to maintain certain industries that were in danger of disappearing. However, these communities have little experience in providing education and other government services to immigrant and limited-English-proficient communities. Supporting emerging Hispanic states requires thoughtful policy-making, as well as targeted resources.

Along with a steady population growth, Hispanic Americans have experienced increased voter participation and sophistication. Nearly six million Hispanics participated in the 2000 presidential election; these numbers could increase by one to two million by 2004. Just as important, Hispanics demonstrated in the 2002 midterm elections that policy-makers must concretely address the concerns of the growing Latino electorate in a positive manner. For example, incumbents from both parties with records long on rhetoric but short on policy lost significant Latino support. In addition, the failed election bids of anti-immigrant candidates make it clear that immigrant-bashing is not a winning strategy. Thus, a key lesson from the recent election is that Latinos are clamoring for more than just outreach; they are calling for substantive policy-making that responds to their concerns about the future direction of the country.

It has been well documented that Hispanics will constitute a large segment of the future U.S. population, workforce, and electorate. The challenge for policy-makers is to identify those issues important to the Hispanic community and produce proposals that thoughtfully address them. The National Council of La Raza (NCLR) works with its more than 300 affiliated community-based organizations to respond to the needs and concerns of the Hispanic community. With its affiliates, NCLR has effectively identified major policy areas that constitute a Hispanic public policy agenda. Not surprisingly, these include the typical "American" issues of fairness, increased civic participation, a strong economy that provides opportunities to work and build assets, excellent public schools, access to quality health care, and the chance for homeownership. Polling data support these findings. For example:

- Almost nine in ten (87%) Latinos believe "Education is the key to my child's success."
- Three-fourths (73%) of Hispanics rated "allocating funds for building affordable housing" extremely or very important, compared with 39% of non-Hispanics.
- More than eight in ten (86%) Latinos favor proposals to provide legal status to undocumented immigrants.

- Nearly one-third (31.2%) of Hispanics report that they suffered discrimination in the past year because of their racial or ethnic background.
- More than one-third (35%) of Latinos do not have health insurance.
- Less than two-thirds (65%) of Latinos say they have a bank account.
- Almost one in three (30%) Latinos report being laid off or having lost their job in the past year.*

As we move toward the 2004 elections, federal, state, and local policy-makers have an opportunity to identify and address issues of importance to Latinos. In that context, NCLR offers this briefing book – the framework of NCLR's policy agenda for the period spanning the 108th Congress – as a roadmap for legislators and other policy-makers to facilitate knowledge of and communication with Latino voters and constituents. The briefing book offers guidance to Congress, the Administration, and state legislatures about which issues resonate with the nation's largest ethnic group. While the issues outlined in the following pages can speak directly to public officials and policy-makers, they also provide a yardstick for the Hispanic community to measure the extent to which public policy is responding to the concerns of Latino voters.

NCLR believes that this document will be useful to:

- The Bush Administration, legislators, and their staff, so that they have a sense of the substance that bolsters NCLR's policy work and a general idea of pending legislation that NCLR is monitoring and the positions we are taking.
- Policy-makers and the media, to give background on the specific issues or policy debates that NCLR has identified as being particularly crucial to and relevant for the Latino community.
- NCLR's community-based affiliates and members, and the general public, to provide a summary of pending issues and legislation, as well as a guide to NCLR's legislative portfolio.

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* These polling data are from the 2002 AOL Time Warner Foundation Hispanic Opinion Tracker Study, the Pew Hispanic Center 2003 National Survey of Latinos, the Latino Coalition 2002 Survey of Hispanic Adults, and the New Democratic Network/Bendixen & Associates Survey of the National Hispanic Electorate.

This briefing book is not meant to provide a detailed, comprehensive analysis of complex policy issues; further detail about the issues and NCLR's analyses of them are available through our website (www.nclr.org) and other publications. Major topics included in the book are presented in alphabetical order, followed by specific concerns that NCLR has identified as important to Latinos. These may or may not be addressed by current legislation. Pending legislation or major reauthorizations are included when applicable. In addition, the reference materials included serve as a resource and are helpful to advancing NCLR's position on the issues. NCLR materials are listed, as relevant. For a full listing of documents published by NCLR, see NCLR's "Publications Guide" at www.nclr.org/publica/.

CIVIL RIGHTS

Civil Rights

Assurances of fair and equal treatment by other citizens, private employers, and federal and state governments are fundamental for Hispanics to attain economic and educational parity with other Americans. Although there are many issues under the civil rights umbrella which deserve and require immediate attention, several areas outlined below are of particular concern and, if improved, could measurably reduce discrimination against the Hispanic community.

Hate Crimes

Hate crimes are violence-motivated actions against persons, property, or organizations based solely on race, religion, gender, disability, ethnicity/national origin, or sexual orientation. There is evidence of an upward trend in the amount and severity of harassment, hate violence, and law enforcement abuse against and by Hispanics.

An important issue is the relatively limited information about the impact of hate crimes on the Latino community and the factors that contribute to hate-motivated behavior. For example, more attention is needed on the pervasiveness of racism and negative stereotypes, which are far too often reinforced and advanced by the media. As Hispanics become more dispersed across American communities, these views of Latinos threaten to lead to greater interethnic tension and could result in increased numbers of hate crime incidents.

NCLR urges Congress to pass hate crimes legislation that would enhance federal enforcement of hate crimes laws; expand federal jurisdiction over hate crimes based on race, ethnicity, or national origin; and provide authority to investigate and prosecute crimes based on the victim's disability, gender, or sexual orientation. In addition, law enforcement agencies should effectively comply with the Hate Crimes' Statistics Act of 1990 and document hate violence accurately and consistently.

Racial Profiling

Racial profiling, a discriminatory practice that has become a common tool used by law enforcement to establish a cause for suspicion, is an endemic problem that is tearing the social fabric of our nation. Race, ethnicity, and/or national origin are used as determining factors in deciding whom to stop on the highways and in workplaces, airports, and schools.

NCLR research has found that the Latino community is disproportionately targeted by law enforcement. Racial profiling has a severe, disparate impact on the Latino community because it is used not only by local and state law enforcement, but also by federal law enforcement, including immigration and customs officers. For a variety of reasons, the use of racial profiling tactics not only violates civil rights, but also undermines trust between the Latino community and the police.

NCLR believes Congress should pass comprehensive racial profiling legislation that bans the practice of racial profiling by local, state, and federal law enforcement agencies; collects data on routine investigatory activities; establishes procedures for receiving, investigating, and responding to claims of racial profiling; and requires training of law enforcement agents and holds them accountable for engaging in racial profiling.

Sentencing Reform

The increasing number of Latinos serving nonviolent drug sentences is alarming. Contrary to popular belief, the fact that Latinos and other racial and ethnic minorities are disproportionately represented in the criminal justice system is not because minorities commit more drug crimes or use drugs at a higher rate than others; nevertheless, there has been an upward trend in the number of Latinos in the criminal justice system, in part because of law enforcement biases and harsh sentencing guidelines that target Latinos and other minorities.

In particular, NCLR is concerned about the significant and discriminatory crack/powder sentencing disparities that exist in the current sentencing guidelines. For example, a conviction for possessing five grams of crack cocaine triggers a five-year mandatory minimum sentence, while it takes 500 grams of powder cocaine possession to trigger the same sentence. And while possession of 50 grams of crack cocaine triggers a ten-year mandatory minimum sentence, the law requires possession of 5,000 grams of powder cocaine to trigger the same sentence. The 100:1 powder/crack sentencing disparity shows blatant discrimination toward minority communities, which are disproportionately represented among crack cocaine offenders, compared to powder cocaine offenders.

NCLR urges Congress to enact just crack/powder sentencing reform that would equalize the ratio as much as possible – preferably 1:1 – by raising the crack threshold, and not by lowering the powder threshold. NCLR also advocates for widely available alternative methods of punishment for nonviolent drug offenders, such as substance abuse treatment.

Voting Rights

The right to vote is a fundamental civil right for all Americans. It is crucial that election officials uphold current laws that ensure participation of language minorities. The Voting Rights Act of 1965 and the National Voting Registration Act of 1993 are laws that enable citizens to exercise their right to register and cast their vote without encountering any form of discrimination. In 2002, Congress passed the Help America Vote Act of 2002, calling upon the states and local governments to make polling places accessible to people with disabilities; create statewide voter registration databases that can be more effectively managed and updated; improve ballot review procedures by allowing voters to ensure that the ballots they cast are accurate; create provisional balloting systems to guarantee that no eligible voter is ever turned away at the polls; replace outdated voting systems; and educate voters on voting procedures as well as their rights.

The proper and prompt implementation of this law will result in more Hispanics having access to the voting booth and less incidents of voter discrimination and intimidation.

NCLR urges Congress to fully fund the Help America Vote Act (P.L. 107-252). The Help America Vote Act authorizes a total of $3.9 billion over three fiscal years, beginning with $2.16 billion in fiscal year 2003. Congress provided $1.5 billion for FY 2003, leaving a $660 million short fall. In particular, we ask that Congress appropriate the remaining authorized funding level for fiscal year 2003, in addition to the $1 billion authorized for fiscal year 2004.

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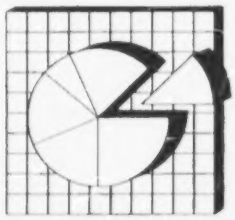
ECONOMIC MOBILITY



While the economic growth of the mid-to late 1990s resulted in real improvements in the economic well-being of Hispanic families and their children, the financial status of many Latinos remains uncertain. In fact, data and research indicate that the new economy has created new challenges for Latino families. For instance, many Latinos work in low-wage jobs without benefits or long-term security. Limited employment and earning potential make many Hispanic workers particularly vulnerable to periods of economic downturn and contribute to higher unemployment levels and lower incomes for Latinos. During the last quarter of 2002, 7.8% of Latino workers were unemployed, compared with the national unemployment rate of 5.9% during that same period, and in 2001 the median income of an Hispanic household was $19,651, well below the national average ($27,652). Furthermore, the gap in net worth – the value of assets minus debt – between Latino and White families is wide and growing. The net worth of the average Hispanic family was $3,000 in 1998, just 4% of the wealth of the average White family. The median Hispanic family maintained zero financial wealth – net worth minus equity – in 1998 compared with $37,600 for White non-Hispanic families.

In order for more Hispanic families to become economically mobile and move into the ranks of the middle class, NCLR believes that Latinos must enhance their national-level presence on economic and employment policy issues. Outlined below are major asset development, income security, and employment programs that can help Latinos achieve this.

Banking and Financial Services

Access to basic banking and financial services is key to becoming part of the financial mainstream. A strong relationship to a financial institution is critical to a family's ability to purchase and accumulate assets and build financial security. Nonetheless, Latinos are less likely than other Americans to use mainstream financial institutions to meet basic banking needs. Only about 33% of Latinos have basic checking accounts, for example.

With regular transaction fees, the prospect of overdraft fees, and onerous identification requirements, opening a banking account can be costly and burdensome. However, lack of basic financial services, such as a checking account, forces many Latinos to pay bills with money orders and to use check-cashing outlets which can charge between 2% and 9% interest, depending on the type of check. Basic banking services are not only cost-saving necessities, but also a means of accessing other important banking tools and products, such as mortgage loans.

The erosion of wealth that can result from the overutilization of check-cashing and other fringe banking services, such as payday loans, stresses the importance of financial literacy in empowering Latino families not only to stay away from harmful financial practices but, more importantly, to invest wisely and accumulate assets. Undoubtedly, financial education is crucial to wealth-building for Latino families. A variety of financial education programs throughout the country are currently targeted to Latinos. However, it remains unclear what specific approaches work best.

NCLR would support measures that effectively target unbanked workers and families, including those with the potential to build on the work of First Accounts, which provide funding to financial institutions that employ various strategies to increase Latino access to banking and other financial services. NCLR also encourages the creation of programs to evaluate, support, and assist in the implementation of effective financial education strategies for Latino families. NCLR supports efforts to allow immigrants to access banking services with alternative identification, such as Individual Taxpayer Identification Numbers (ITINs) and/or consular identification cards (e.g., matricula consular).

Economic Stimulus and Recovery

The U.S. economy is in the midst of a recession, and the unemployment level for Latinos continues to hover above 7% with one million Latino workers out of work. The Unemployment Insurance (UI) program is intended to provide temporary financial assistance to persons who are unemployed through no fault of their own. UI payments help unemployed workers provide the basic necessities for their families while they search for a new job. The UI system also has a stimulating effect on the economy because, without UI payments, unemployed workers cannot afford to spend and participate in the economy. Unfortunately, under current law many Latinos are ineligible for UI benefits because their wages are too low or their work histories are inconsistent.

NCLR supports proposals to jump-start the economy and/or protect and assist American workers in weathering this economic storm, particularly measures that facilitate access to the UI system for low-wage Latino workers.

Pensions

The more that people plan and save for retirement, the more likely they are to be able to maintain the quality of life they had before retiring, and the less likely they are to be poor or have to continue working when they become seniors. Pensions are a significant source of income that support workers during retirement.

Unfortunately, while over 40% of Hispanic workers are in private firms that sponsor a pension plan, only one-fourth (28%) of Hispanic workers participated in an employer-provided retirement plan, compared with nearly half (47%) of White and 42% of Black comparable workers. Pensions are important investment vehicles and, therefore, increased participation is essential to ensuring long-term financial security for Latino workers.

NCLR supports measures, such as the Savers Tax Credit, which provide incentives to certain low-income workers to invest retirement savings contributions into an Individual Retirement Account or an employer-sponsored pension plan.

Savings

One reason for Latinos having more difficulty climbing the economic ladder is their tendency to have low levels of savings, which is especially important for families and households without any assets (e.g., homes, stocks, and pension plan investments). According to the Federal Reserve, in 1998 over half (55.1%) of Hispanic families spent equal to or more than their annual income, effectively resulting in a savings of zero dollars. Several reasons may explain low savings among Latinos, including less disposable income; remittances to family members abroad; less access to basic banking services, among other things; and discrimination in the housing, insurance, and overall financial services industries.

NCLR believes that many Latinos can save, regardless of income, and would save even more if given greater opportunities. Savings programs such as Individual Development Accounts (IDAs) may be the answer. As a matched savings program that allows accountholders to purchase their first home, pay for secondary education, or start a small business, IDAs are a promising tool that could significantly increase the net worth of Hispanic families by empowering them to save, acquire assets, and become healthier financially. However, if more Latinos are to participate in IDAs, several structural improvements to the program should be considered during the upcoming reauthorization of the Assets for Independence Act (AFIA).

NCLR, therefore, supports reauthorization of AFIA but advocates building on the legislation to include, among other things, a reduction of the match requirement and the addition of a technical assistance component – a few programmatic changes that would encourage greater participation among community-based organizations that serve low-income Latino families. NCLR also recommends the program's funding be increased to $500 million over five years.

Social Security Reform

Social Security is a program that gives retirement benefits, regardless of need, to all who have worked and paid payroll taxes as well as provides seven million Americans with survivor benefits and over five million with disability benefits. In 1999, nearly four in five (79%) Hispanic retirees received Social Security benefits and two-fifths (39%) of Hispanic retirees depended solely on Social Security benefits for their retirement income. Estimates reveal that the poverty rate for Hispanic elderly would be over 60% without Social Security payments. Social Security is also an important insurance against disability and provides survivor benefits for millions of Hispanic workers.

NCLR believes it is crucial to preserve the Social Security system and retain the system's guarantee of basic benefits and social insurance for today's Hispanic workers. Proposals to dismantle the system or fundamentally alter it to provide personal savings accounts are inconsistent with the social insurance character of the program that is most important for many Hispanic workers.

Tax Cuts

The federal tax system reaches more Hispanic households than any other program resulting in major economic and financial gains for Hispanic families nationwide. For example, over one-third of Hispanic households benefit from the Earned Income Tax Credit (EITC) and the child tax credit (CTC). The combined average EITC and CTC refund for Latino families was $2,359 in 2000 and will potentially increase to nearly $3,600 by the end of the decade. If even a modest portion of this refund were channeled into savings, it would result in measurable increases in Hispanic net worth.

Changes in tax policy often fail to consider that Hispanic families tend to have low incomes and are more likely to be affected by payroll and other taxes than by taxes on federal income, business expenses, or stock dividends; therefore, tax cuts that focus on providing benefits to those affected by the latter miss the bulk of Latino families with children. NCLR supports tax credits, preferably those that are refundable, as a more effective way of reaching Hispanic working poor families who do not owe much in federal tax but are deeply impacted by taxes and need assistance to offset the tax burden on their families.

Unfortunately, many Hispanic families do not file taxes or claim the credits and deductions for which they are eligible. According to a 2001 survey conducted by the

Urban Institute, only 32% of Hispanic parents had heard of the EITC compared with 72.7% of African American parents and 75.9% of White non-Hispanic parents. Consequently, strategies to increase eligibility and the size of tax benefits must be accompanied by improved implementation and public education strategies.

NCLR opposes tax relief measures that fail to reach the majority of low-income families and supports targeted tax measures, including increased refundability of the child tax credit and a substantial expansion of the EITC. NCLR opposed the Economic Growth and Tax Relief Act of 2001 and currently opposes any tax or "stimulus" package that is egregiously tilted to benefit wealthy families and will reach neither the millions of low-wage Latino workers, many of whom are out of work, nor their families. NCLR supports two important IRS-sponsored tax preparation programs – the Volunteer Income Tax Assistance (VITA) program and Low-Income Taxpayer Clinics (LITCs) – which enable low-income families to access the tax benefits for which they are eligible.

Transportation Policy

Recognizing the significant role that transportation policy can play in the employment opportunities afforded to American workers, the Transportation Equity Act included a range of provisions and measures to assist in improving access to jobs by Hispanic and other low-wage workers who cannot afford to reside where many jobs exist. One such effort is the Job Access and Reverse Commute program. The program is intended to provide grants for transportation services that would connect low-income persons to employment and support services. However, the Job Access and Reverse Commute program has not been funded at a level sufficient to provide widespread transportation services that enable low-income workers to get to access employment.

NCLR believes that the reauthorization of TEA-21 should result in increased authorized funding levels for the Job Access and Reverse Commute program and the inclusion of other important measures to ensure greater access to jobs for Hispanic workers, such as strengthened guidance and implementation regarding language policy, increased Hispanic representation on Metropolitan Planning Organizations, enhanced participation of community-based organizations, and advancing economic and community development by using local hiring agreements and ensuring that transportation projects do not have disparate impacts on Latino communities.

Welfare Reauthorization

The number of Latino families receiving welfare has declined dramatically since the Temporary Assistance for Needy Families (TANF) program was created by welfare reform legislation in 1996. However, Hispanic women have tended to leave the rolls at a slower rate than their White and Black counterparts, and Hispanic families have become a larger share of the nationwide caseload since 1996, rising from roughly 20% of the caseload then to about 25% in 2001. An important contributing factor to these outcomes is the widespread absence of language services, which often makes it difficult for states to serve Spanish speakers effectively. In addition, many Latino families struggling to escape poverty are not even able to access the TANF program's critical work support programs because federal law prevents immigrants from using a wide range of social programs, disqualifying a growing segment of the Latino community.

NCLR supports reforms to the TANF program which ensure equitable access for legal immigrants and persons with limited English proficiency, and investing in effective programs for Latinos on the mainland and in Puerto Rico which enable them to return to work.

WIA Reauthorization

The Workforce Investment Act (WIA) was established in 1998 to increase the employment, retention, earnings, skills, and quality of the American workforce. WIA has primarily funded skill-building programs that, unfortunately, have been largely ineffective in preparing Latinos for the demands of the current labor market.

NCLR believes that proposals to reshape the nation's workforce development system must provide flexibility to local workforce development systems to encourage innovation in the outreach, training, and related career enhancement provisions for the burgeoning Latino workforce.

Pending Legislation

- Reauthorization of Assets for Independence Act (AFIA)
- Economic Stimulus and Recovery Act
- Reauthorization of the Transportation Equity Act for the 21st Century
- Reauthorization of the Temporary Assistance for Needy Families block grant
- Reauthorization of the Workforce Investment Act

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EDUCATION

Education continues to be a top concern for the Latino community. Polling data show that nearly nine in ten (87%) Latinos consider education a critical component to expanding life opportunities for Hispanic children. Given that in 2000 more than one-third (35.7%) of Hispanics were under 18 years of age and that Latinos now represent the second-largest segment of the school-aged population, the education of Latino students has significant implications for the nation as a whole.

The Latino community is becoming more sophisticated in identifying policies that can significantly improve the educational status of Hispanic children. According to a 2002 poll, for example, Latino support for private school vouchers continues to surpass that of other groups. However, when asked to choose between increased funding for public schools or vouchers, Latinos chose increased school funding by a more than two-to-one (63.6% to 31.6%) margin. In addition, while Latinos strongly believe that their children should learn English, almost all (95%) Latinos support bilingual education.

These data indicate that Hispanics not only care deeply about education, they are paying close attention to specific areas of education policy and are becoming increasingly savvy about the steps policy-makers should take to improve the status of Latino education. To achieve this, the Administration and the 108th Congress should pay equally close attention to the following areas:

Adult English-as-a-Second-Language Services

Enrollment in Adult ESL has increased 105% over the past ten years, yet there is a lack of programs and funding to ensure that all who desire to learn English have access to appropriate services. Currently, community-based organizations must generally piece programs together with volunteer labor and facilities. The need for more targeted services is overwhelming. Demand for English-language instruction far outweighs supply, waiting lists for classes typically range from several months to years, and many states do not have the capacity to meet the demand. New York is so under capacity that it has resorted to a lottery system to select individuals who may enroll in ESL classes. The current $70 million in funding is insufficient to meet the enormous demand for ESL services. As the labor market continues to require English-proficient labor, investing in ESL programs will strengthen the labor pool and return a more versatile productive workforce.

NCLR proposes an increase in funding to $500 million for the English Language and Civics Education Initiative and to include language to funnel monies directly to community-based organizations providing the front lines of ESL services.

College Access for Immigrant Students

Every year, high schools around the country graduate a significant number of talented immigrant students, many of whom have grown up in the United States, attended the same elementary and secondary schools as native-born students, and excelled at the same academic requirements as their classmates. Like their U.S.-born peers, these students share the same dream of pursuing a higher education. Unfortunately, they lack access to the state and federal financial assistance and in-state tuition rates available to U.S.-born students, making it virtually impossible for them to afford a college education. In effect, through no act of their own, they are denied the opportunity to share in the "American Dream."

Among those whose dreams are currently thwarted are potential teachers, doctors, nurses, and engineers. It is imperative that college doors be opened to these hardworking, talented students by making college in-state tuition rates accessible and enabling such students to adjust their immigration status so that they may fully contribute to our economy and nation.

NCLR supports both state and federal legislation enabling longtime U.S. resident children of undocumented parents to attend their state public university or college at the in-state tuition rate. In addition, NCLR believes that federal legislation allowing certain immigrant students – those who have lived in the United States for a long period of time and have demonstrated good moral character – the opportunity to adjust their status to that of a permanent legal resident is critical to improving the pipeline from high school to college and meaningful employment for Latinos.

College Outreach and Preparation Programs

Although Latino enrollment in postsecondary education has increased, Latinos are still less likely than non-Latinos to be enrolled in or graduate from college. In 2000, 22% of all Latinos ages 18 through 24 were enrolled in postsecondary degree-granting institutions, compared with 39% of Whites and 31% of African Americans.

Outreach, mentoring, and preparation are critical components of postsecondary access for Latinos, particularly given the high Hispanic dropout rate during the K-12 years and the fact that Hispanic children who do complete their elementary and

secondary education often attend schools in the poorest neighborhoods, with the fewest resources, and the most inexperienced teachers. Additionally, outreach and support services must be infused throughout the K-12 system through partnerships with states and institutions of higher education as well as targeted to low-income, first-generation students who have already demonstrated promise.

The reauthorization of the Higher Education Act (HEA) represents an opportunity to turn the tide and ensure that Latino students will be fully prepared to contribute to our nation's welfare and prosperity. The HEA includes Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP), an important federal education program that seeks to increase the number of low-income students who attend and succeed in college. Since its creation in 1998, GEAR UP has grown to serve an estimated 1.4 million students – more than one-third of whom are Hispanic. Moreover, GEAR UP provides services that reach entire cohorts of students, including those at risk of dropping out of school, English language learners (ELLs), and those who may not be recommended to receive services provided by other federal programs. GEAR UP works effectively to ensure that the greatest number of students complete high school and leave college with a degree by combining early college awareness, mentoring, and academic preparation with the assurance of financial aid.

NCLR strongly opposes proposals to merge GEAR UP with the federal TRIO programs. NCLR believes GEAR UP must be maintained as a distinct program in order to effectively accomplish its goals of increasing college enrollment and retention among low-income students.

Early Childhood Education

Research has consistently shown that access to high-quality early childhood education can have a positive impact on the school careers of children, particularly those from low-income households. Unfortunately, Latinos are less likely than their African American and White peers to participate in early childhood education programs. For example, fewer than four in ten (36.2%) Hispanic children ages three to five who are living in poverty are enrolled in early childhood care and education programs. In contrast, 60.1% of poor Black and 46.1% of poor White children of the same age group are enrolled in these programs.

As the number of Latino children under age five continues to grow, access to quality child care becomes more important. Moreover, many of these children come from

households in which English is not the first language. Thus, it is critical that proposals to reauthorize early childhood programs, including the Head Start Act, take into account the needs of ELLs. In addition, programs serving the children of migrant and seasonal farmworkers must be expanded to reach more children. Last, because Head Start participants come from low-income households, the Head Start Act should retain vital wraparound services, including health and nutrition.

NCLR believes that reauthorization of the Head Start Act should focus on helping ELL children become ready to learn when they enter the public schools. To achieve this, the Head Start program should examine opportunities to increase the participation of Latino children, increase the number of Head Start personnel prepared to teach ELL children, research and disseminate best practices in serving Latino and ELL children and families, and strengthen and expand the Migrant and Seasonal Head Start program. In addition, NCLR supports retaining health and nutrition services provided through Head Start and Migrant and Seasonal Head Start.

Education Budget

In January 2002, President Bush signed the No Child Left Behind Act (NCLB) into law. This legislation made significant changes to programs with the potential to improve academic outcomes for Hispanic students and to enhance the role of parents in turning around struggling schools. Specifically, the NCLB strengthened the federal program for ELLs by clarifying that schools will be held accountable for helping ELLs make strides in acquiring English and improving their reading and math skills. In addition, the NCLB authorized the Local Family Information Centers (LFICs) program. LFICs are community-based centers that provide parents of Title I students, including ELLs, with information about their children's schools so that they can hold their local and state school officials accountable. Both the Language Assistance State Grants and Parent Assistance programs must be adequately funded to ensure that the NCLB is effectively implemented at the state and local levels.

In addition to NCLB programs, GEAR UP is a key program for Latino students. Unfortunately, GEAR UP was one of very few federal education programs that received a funding decrease for FY 2002 and received level funding in FY 2003. This is the case despite the fact that the number of children participating in GEAR UP continues to grow.

NCLR believes that NCLB reforms can work effectively only if the programs authorized under the NCLB are adequately funded. For FY 2004, NCLR supports $1.2 billion for Language Assistance State Grants and $100 million for Parent Assistance programs. In addition, NCLR believes that the GEAR UP program should receive $425 million for FY 2004 in order to reach the growing number of needy students.

Pending Legislation

- Development, Relief, and Education for Alien Minors Act (DREAM Act) and the Student Adjustment Act
- Reauthorization of the Higher Education Act
- Reauthorization of the Head Start Act
- Fiscal Year 2004 education appropriations

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HEALTH CARE

The Latino population currently faces a number of significant health challenges and disparities, including disproportionately high rates of diabetes, asthma, HIV/AIDS, tuberculosis, and heart disease. Young Latinos, who by 2020 are projected to account for one in every five children in the U.S., struggle with these and other serious health risks, including the highest teen birth rate in the nation and high rates of mental illness and depression. Many of the health concerns that plague the Latino community could be prevented or more effectively managed given access to quality health care. Unfortunately, myriad different barriers often stand between Latinos and their ability to access such care. One major barrier is a lack of health insurance. According to the Current Population Survey, one-third of Latinos (33.2%) do not have health insurance, compared with 10.0% of Whites and 19.0% of Blacks. This disparity persists despite high rates of work participation among Latinos and poses a significant risk to their physical and mental health, as well as their financial security. Although high uninsurance rates among Latinos result from the confluence of many different factors, they are partly driven by current laws that ban Latino and other immigrants from federally-funded public health programs if they arrived in this country after August 22, 1996. Latinos are further denied access to this country's health system by high rates of poverty combined with high costs of health care, a lack of linguistically and culturally competent health providers, and a lack of outreach efforts targeted toward enrolling eligible Latinos in public health programs.

NCLR supports legislation that will reduce or eliminate the barriers that prevent Latino and immigrant communities from accessing quality health care. Such legislation includes proposals to make health care universally available to all who live and work in this country. Short of these broader reforms, the restoration of public health benefits to immigrants would constitute a critical first step toward guaranteeing the health and wellness of all Latinos. NCLR further advocates for the provision of culturally and linguistically appropriate services to those who apply for or enroll in public health coverage, as well as to those receiving care in the clinical setting. To ensure that health policies reach the communities they are intended to serve, enhanced outreach efforts are also needed to educate Latino and immigrant communities about health care programs for which they are eligible, as is improved training for eligibility workers. Finally, NCLR supports a fuller commitment to research designed to identify both the health problems and the socioeconomic determinants of health that Latinos face.

Restoration of Immigrant Benefits

Current laws ban legal immigrants, including children, from most federal benefits programs for at least five years after their arrival in this country. Even once they become "eligible" after the five years, immigrant access to public health programs is further hindered by a number of complicated legal barriers, such as sponsor deeming and liability. The situation is worse for undocumented immigrants, who are barred not only from federal programs, but often from state programs as well, even though they are living and working in those communities. These laws prevent low-income immigrant families from obtaining health coverage through Medicaid or the State Children's Health Insurance Program (SCHIP). The consequences of these policies are especially harsh for the children of immigrant families, many of whom are in fact citizens and therefore eligible for public health programs. Regardless of probable eligibility, immigrant parents often do not enroll their children because of the general misperception that doing so will jeopardize their family's immigration status. Such tendencies are especially alarming given that children of low-income immigrants are more than twice as likely to be in fair or poor health as children of low-income natives (12% vs. 5%), and are thus in need of improved access to health care.

NCLR supports restoring public health benefits to immigrants, who represent a large portion of the nation's current and future workers and taxpayers. At a minimum, NCLR requests that Congress and the Administration cease the punishment of legal immigrant children and pregnant women for lawfully adopting this nation as their own, and restore to them the opportunity to participate in the Medicaid and SCHIP programs if they are otherwise eligible. This year, Congress will have the opportunity to pass such critical provisions in the form of the Immigrant Children's Health Improvement Act (ICHIA). As the National Governors Association and the National Conference of State Legislatures have articulated in their statements of support for this measure, the federal government should share in the responsibility of providing health services to lawfully-present children and pregnant women and not leave the burden solely to the states and localities.

Access to Health Insurance and Medicaid Reform

The health care crisis confronting the Latino population will likely become more severe in the coming months as the availability of employment-based insurance continues to decline, and the cost of health care continues to rise. At the same time, states are struggling with drastic budget shortfalls, making Medicaid and other state

health programs highly vulnerable to state spending cuts. In fact, most states have plans to or have already cut these critical programs. The potential impact of these cuts on the Latino community is daunting, given that 25% of Latino adults and 37% of Latino children currently rely on public health programs for health insurance. Although the Administration has proposed reforms to the Medicaid program which ostensibly address the problems of state budget deficits and the growing numbers of uninsured, in actuality such reforms will most likely result in long-term programmatic funding shortfalls that would ultimately require states to make even greater cuts to their Medicaid programs. These cuts would have serious negative consequences for both low-income beneficiaries and their health care providers.

NCLR argues for Medicaid policies that will provide real fiscal relief to states while simultaneously guaranteeing that as many low-income families as possible have access to health insurance. To accomplish both of these objectives, NCLR supports an increase in the Federal Medical Assistance Percentages (FMAP). These percentages are the rates at which the federal government reimburses states for spending on Medicaid. Legislation to offer a temporary FMAP increase is good for the Medicaid program, good for state economies, and has bipartisan support. Such legislation has already been introduced in the Senate (S. 138), and companion legislation will soon be introduced in the House.

Community Health Centers

Community health centers (CHCs) are typically private, nonprofit, consumer-directed health care corporations that provide comprehensive primary and preventive care to medically-underserved and uninsured low-income populations. According to the National Association of Community Health Centers, more than 1,000 CHCs nationwide serve ten million people each year, including one of every six low-income children and one of every ten uninsured persons. These centers, strategically located in underserved localities, including inner cities, isolated rural areas, and migrant farmworker communities, provide an important safety net to Latino and immigrant populations who otherwise would not have access to care. CHCs meet the health needs of these low-income communities by offering flexible hours, translation services and bilingual staff, access to multiple services at a single site, and access to specialized care. In addition, many CHCs conduct extensive outreach and health education programs to immigrant groups to build trust, explain what care is available and how the system works, and provide basic preventive health care information.

NCLR recommends the authorization of enhanced federal funding – $5 million for fiscal years 2004 through 2005 – to support community health centers in their work to improve the health of low-income families, especially racial and ethnic minority families in medically-underserved communities.

Language Access

For many Latinos, language problems are a major barrier to health care. A report from the Kaiser Commission on Medicaid and the Uninsured revealed that nearly one-half (46%) of Spanish-speaking parents were unable to enroll their children in Medicaid because enrollment forms and information were not translated into their language. Another half (50%) said their belief that application materials would not be available in their language discouraged them from even trying to enroll. These language barriers may help to explain why low-income Latino children who live in Spanish-speaking families are twice as likely to be uninsured compared with low-income Latino children who live in English-speaking families (43% to 21%). Language barriers not only discourage Latinos and their families from enrolling in public health programs for which they are eligible, but they can also lead to serious and potentially life-threatening health consequences in the health care setting, including misdiagnoses, poor medical care, and inappropriate medications and/or hospitalizations.

Under Executive Order 13166, supported by President Bush, and Title VI of the Civil Rights Act of 1964, recipients of federal funding must make a reasonable effort to ensure that individuals who are limited-English-proficient (LEP) have language access to necessary settings such as hospitals, clinics, and enrollment offices.

While Executive Order 13166 constitutes a significant step toward improving current language access problems, providing an enhanced federal match for LEP services is critical to implementing language access services in settings where both medical personnel and patients are currently struggling with a lack of communication. Such communication barriers can lead to costly medical mistakes, confusion, and at times life-threatening problems. In order to ensure that LEP patients have meaningful access to health care, NCLR supports the provision of an enhanced 90% federal matching rate to states through Medicaid and SCHIP for the provision of language services, including oral interpretation, translation of written materials, and other language services, for individuals with limited English proficiency.

Substance Abuse Treatment and Prevention

High rates of poverty and low levels of education, together with segregation, limited English proficiency, and the stress associated with the immigration experience, place Latinos and Latino immigrants at heightened risk for substance abuse. In 2000, for instance, 6.4% of Latinos admitted to having used illicit drugs, including 9.2% of Puerto Ricans, who demonstrate the second-highest rate of all racial and ethnic groups in the nation (the highest rate is 11.2% for American Indians and native Alaskans). These Latinos are heavily predisposed to poor nutritional habits and fitness, diabetes, high blood pressure, cardiac problems, and cancer. Moreover, a significant portion of Latinos who struggle with substance abuse lack health insurance and, as a result, turn to hospital emergency rooms when they need care. The use of emergency services may ultimately be more expensive for providers than providing funds for prevention and treatment facilities.

The Substance Abuse and Mental Health Services Administration (SAMHSA) provides substance abuse prevention, treatment, and rehabilitation services for many Latinos with addiction problems through its Substance Abuse Block Grant and its Programs of Regional and National Significance. SAMHSA received $3.135 billion in FY 2002, including increases of 13% for Programs of Regional and National Significance and 3.6% for the Substance Abuse Block Grant.

NCLR supports increased funding for SAMHSA. NCLR believes it is critical to fund the continuum of care – treatment, prevention, and research – and recommends a 15% increase for FY 2004 for the Center for Substance Abuse Prevention (CSAP) and a 12% increase for the Center for Substance Abuse Treatment (CSAT), as well as a 15% increase for the Substance Abuse Block Grant.

Health Research

In recent years, our understanding of the health challenges faced by the Latino community has improved substantially. However, our knowledge of morbidity, disability, and quality of life among Latinos continues to be severely limited by a lack of nationwide data collection efforts that are focused specifically on Latino health. Furthermore, those studies that have addressed minority health issues have often failed to give an accurate portrayal of Latino health needs. Problems with such research efforts to date include a failure to collect data on health issues that pertain specifically to Latinos, such as cross-border health and the "healthy immigrant"

effect; a failure to employ culturally sensitive research designs; a failure to include LEP individuals and immigrants as study participants; and a failure to analyze Latino data by pertinent ethnic subgroups.

The last and only federally-funded study to address the health status of the Latino population on a national scale was the Hispanic Health and Nutrition Examination Survey (HHANES), conducted 20 years ago (1982-1984). Clearly, new studies are needed that accurately reflect the health needs of the rapidly growing and changing Latino demographics in this country, and that can help to elucidate the socioeconomic determinants of Latino health. Only through such research efforts can policy objectives be established that adequately address the health needs of the Latino community.

NCLR believes that the need to understand and address more fully the health disparities that Latinos face necessitates a stronger national commitment to the collection of Latino health data. To initiate this commitment, NCLR supports providing such sums as necessary to conduct a new national assessment of the status of Latino health similar to the first "Hispanic Health and Nutrition Examination Survey," but that includes detailed health data on all relevant Latino subgroups, including those of Mexican, Puerto Rican, Cuban, Central American, South American, and Dominican origin.

Pending Legislation

- Strengthening Our States Act (SOS ACT)

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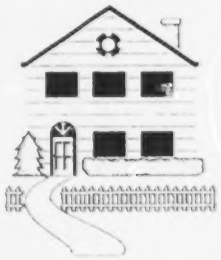
HOUSING



The share of Latinos with the "worst case housing needs" has risen dramatically in recent years. Differences in housing conditions between Hispanics and other Americans still remain even when factors, such as income, are taken into account. Nationally, Hispanics are twice as likely as Whites to be found in inadequate or overcrowded housing situations. A particular problem for Latinos, the vast majority of whom are renters, is a large and growing shortage of affordable rental housing attributable to both market conditions and a precipitous drop in federal support for subsidized housing over the last two decades.

Moreover, Hispanics are underrepresented among homeowners; consequently, the Hispanic community is not accessing a traditional route to building wealth and entering the ranks of the middle class. While the Hispanic homeownership rate has increased over the past decade, there remains a significant gap between Hispanic and White homeownership rates. This disparity in homeownership and the poor housing conditions of Hispanics can be explained, in part, by the prevalence of housing discrimination against Hispanic families. Recent research by the Department of Housing and Urban Development (HUD) reveals that Hispanics are more likely than any other group to experience discrimination in a housing search.

Fair Housing

Many working and low-income Latinos continue to face severe problems in obtaining safe, sanitary, and decent housing. Latinos face high rates of housing discrimination in the sale and rental of housing and in many cases are denied access to available quality housing. Latinos are often provided different terms, conditions, or privileges for sale or rental of a home, as well as in the mortgage lending process where, in many cases, they are not provided with adequate housing or loan information.

Moreover, language barriers and immigration-related issues also hinder many Latinos from obtaining safe and affordable housing. For example, cultural and language barriers in advertising can exclude Latino renters or buyers from access to housing markets. Furthermore, due to unfamiliarity with housing laws and fear of immigration-related consequences, regardless of their immigration status, Latinos accept poorer housing conditions and are less likely than others to complain or request repairs when they are needed.

Appropriations legislation is the principal legislative vehicle for expanding fair housing, homeownership, and affordable housing supply programs, by providing the resources to

make these programs accessible to a larger portion of the population that need them. NCLR also supports the Community Homeownership Tax Credit Act, bipartisan legislation designed to increase the supply of affordable homeownership units, which is expected to be reintroduced in the 108th Congress. Similarly, NCLR supports expanded federal assistance to increase the supply of affordable rental housing. A number of HUD programs, as well as the Low Income Housing Tax Credit (LIHTC), are designed to achieve this goal. In addition, NCLR supports new legislation to promote the increased production of affordable homeownership units, modeled roughly on the LIHTC, such as that introduced in the last Congress. NCLR also supports increasing resources to enforce the Fair Housing Act. Finally, program initiatives specifically targeted to Latinos help protect against housing discrimination and should be expanded.

Housing Counseling

Many Hispanics are not well-informed about homeownership requirements or of the importance of establishing credit as a significant step toward homeownership. Many Latinos are credit-averse and tend to pay cash for most transactions. Cultural and language barriers can also make it difficult to educate creditworthy Latinos about the intricacies of the mortgage lending system and the importance of credit and debt. However, recent research has demonstrated the efficacy of community-based homebuyer counseling in improving Hispanic access to homeownership.

NCLR supports increased funding for effective housing counseling services in low-income and Latino communities. Programs that use community-based organizations to facilitate home purchases and assist current homeowners to avoid losing their current investment through increasing access to homebuyer education and housing counseling should be expanded.

Pending Legislation

- Community Homeownership Tax Credit Act

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IMMIGRATION

Immediately prior to the terrorist attacks of September 11, 2001, the U.S. and Mexico were moving forward with historical migration negotiations to legalize the status of undocumented workers in the U.S. and regulate future migration flows. Since September 11, a new national security factor has permeated the national debate on immigration reform, and new counterterrorist measures have had a disproportionate effect on immigrant communities. While Latinos are concerned about national security and want to protect the U.S. from future terrorist attacks, Hispanics also continue to support fair and equitable immigration policies.

The majority of Latinos in the U.S. are native-born citizens – 60% according to the 2000 Census – but many have parents or other family members who are foreign-born, and many U.S.-born Hispanics are mistaken for immigrants because of their ethnicity or appearance. In addition, the nation's views concerning immigration policy and immigrants often reflect or carry over to attitudes toward, and impressions of, the broader Latino community.

Hispanics care deeply about the nation's policies toward immigrants and vigorously support fair and respectful treatment of immigrants under the law. NCLR's immigration policy agenda emphasizes human dignity, family reunification, protection of civil rights, and fundamental fairness under the law as well as national security.

Comprehensive Immigration Reform

All sides of the immigration policy debate agree that the current immigration policy regime has failed to regulate the flow of migrants to the U.S. That current immigration laws are out of tune with the country's economy is evidenced by the fact that there are approximately eight million undocumented immigrants living in the U.S. and working in essential positions in the nation's labor force and contributing to its prosperity. Furthermore, millions of close family members remain in visa backlogs for years, waiting to be reunited with their families. More immigrants are paying large sums to smugglers and risking their lives to work and be reunited with their families; the number of border deaths has increased dramatically in recent years, now reaching an average of nearly one death per day. This untenable situation will not be remedied unless fundamental reforms are initiated.

NCLR has joined with immigrant communities, labor unions, and business organizations to acknowledge the presence and contributions of undocumented

immigrants in the nation's workforce and to provide an opportunity for them to earn legal status. A legalization policy would help to fill sectors of the U.S. economy with needed legal workers and would move many hardworking, tax-paying families out of the shadows and into full participation in America's economy and society. The critical nature of this issue is reinforced by several recent poll results that have found that approximately 85% of Latinos are in favor of proposals to provide legal status to undocumented immigrants.

NCLR also recognizes that legalizing those unauthorized workers who are already in the country does nothing to remedy the underlying causes of undocumented immigration and will not prevent future flows of unauthorized migration unless additional steps are taken. There are no indications that the flow of migrants into the U.S. is slowing; indeed, the trends continue largely as they have for the last 20 years, because U.S. law fails to accommodate the economic realities of migration. Current immigration policy actually encourages undocumented immigration because legal channels for obtaining visas are extremely limited. In order to ensure that future immigration flows are safe, legal, and orderly, the U.S. government must create new legal channels for needed foreign workers and provide the legislative means and the resources needed to clear current backlogs.

Comprehensive immigration reform allowing the U.S. to regulate migration flows and legalize the existing workforce would provide authorities with reliable information and would allow them to know who is here in the U.S. and who is entering. The ability to conduct background checks and obtain other information from migrants who are present in or will soon enter the U.S. workforce is preferable to the current situation, in which those who survive the dangerous trek to the U.S. strive to live and work invisibly within its borders.

NCLR supports comprehensive immigration reform legislation to provide targeted adjustment of the status of immigrants in the U.S. labor force, to open new avenues for workers to immigrate legally, and to clear current visa backlogs.

Post-September 11 Immigration Policies

Since September 11, Congress, state legislatures, the Bush Administration, and the Department of Justice, in particular, have taken a series of actions that are ostensibly aimed at protecting the nation from terrorists but have had a detrimental effect on immigrants and others who "look" or "sound" like immigrants. These "counterterrorism" measures include special registration requirements for foreign

nationals from particular countries, new change of address form requirements for noncitizens, restrictions on immigrant access to driver's licenses, the detention of thousands of noncitizens, increased workplace enforcement, increased collaboration between the immigration enforcement agencies and local police forces, and other policies that leave immigrants in very vulnerable situations. While the primary victims of these new immigration policies have been persons of Arab or Muslim descent, the Latino community has felt increasingly marginalized, alienated, and fearful. Most importantly, these new policies have had negative consequences for Latino communities and others without offering any proof that Americans are indeed safer.

NCLR supports reasonable measures that protect the U.S. from terrorism and do not single out groups or individuals for abuse or discrimination. Steps must be taken to ensure that new policies are effective and truly make the country safer rather than simply make some segments of the population feel better at the expense of others.

Immigration Services within the Department of Homeland Security

For years NCLR has argued that the Immigration and Naturalization Service (INS) was plagued with competing missions and needed fundamental restructuring. However, the law creating the Department of Homeland Security (DHS), which was signed in December 2002, abolishes the INS and incorporates immigration services and enforcement into DHS, but does not restructure the INS in the necessary manner. This law fundamentally changes the way that immigrants and immigration are treated in the U.S. and sends the signal that immigration is a national security concern.

Furthermore, immigration services may suffer under DHS, and it is likely that backlogs for naturalization and visa adjudications will continue to grow. Naturalization applications have increased dramatically over the past decade for a variety of reasons including: lawful permanent residents who had obtained status through the Immigration Reform and Control Act of 1986 became eligible to naturalize, new requirements that lawful permanent residents replace their green cards prompted many to apply to naturalize, and anti-immigrant policy proposals including restrictions on public benefits provided additional incentives to naturalize. The INS has been unable to keep up with demand, and the current naturalization backlog tops 600,000.

At the same time, U.S. citizens and lawful permanent residents continue to file petitions for family members to join them in the U.S., employers in need of specialized skills file petitions for workers, and refugees and asylees who have fled persecution apply to make the U.S. their permanent home. The adjudications backlog has grown almost tenfold from approximately 120,000 cases in 1994 to more than one million in 2000. Since September 11, resources continue to be diverted away from adjudications and into special registration and other counterterrorism priorities.

NCLR will closely monitor the transition of INS to DHS, paying particular attention to civil rights violations by immigration enforcement personnel and the length and quality of immigration services. NCLR believes that immigration enforcement must be fully accountable, and that the service functions must treat people efficiently and respectfully.

State and Local Police Enforcement of Immigration Law

In 2002 the Department of Justice (DOJ) took steps to enlist state and local law enforcement officers in enforcing federal immigration laws. The names of certain individuals who have violated some federal immigration laws are now available on the National Crime Information Center (NCIC) database, which police regularly consult. Furthermore, it has been reported that the DOJ Office of Legal Counsel has a new legal opinion which reinterprets current law and declares that state and local police have the "inherent authority" to enforce federal immigration law. This document has not been made public, but the mere mention of this new authority has had a chilling effect on the Latino community.

While the safety and security of our communities and the country are of the utmost importance, new policies that would allow local police departments to enforce federal civil immigration law will hinder terrorist and other criminal investigations and have a serious negative impact on Latino communities. Immigrant advocates, legal experts, and many law enforcement agencies agree that the DOJ's policy shift is in direct conflict with long-standing legal tradition, will inevitably result in higher levels of racial profiling, police misconduct, and other civil rights violations, and will undermine – rather than strengthen – effective enforcement and antiterrorism activities.

NCLR believes that the DOJ should immediately rescind its dubious new legal interpretation and renounce any plans to expand delegation of immigration law enforcement to state and local police. Absent such a policy shift, Congress should act to prevent its implementation.

Farmworkers

Each year brings considerable debate on how to expand or alter programs allowing for entry of guestworkers into the agriculture industry. The debate on these issues tends to focus on adjusting the numbers and often fails to improve the housing and working conditions of farmworkers; indeed, recent proposals would have reduced wages and labor protections for migrant workers.

NCLR has opposed the major expansions of guestworker programs introduced in recent years. However, NCLR would be inclined to support initiatives that would improve the working and living conditions of farmworkers, provide foreign farmworkers with access to permanent immigration status, and equalize the labor rights of agricultural workers in comparison to other U.S. workers.

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NCLR'S STATE AND LOCAL POLICY ACTIVITIES

NCLR
NATIONAL COUNCIL OF LA RAZA

Devolution, the process of shifting authority from the federal level to state and local governments, has provided much of the impetus for NCLR's policy and advocacy work at the state level because the potential positive outcomes of devolution can be fully realized only if all segments of the population, including Latinos, are thoroughly represented at the decision-making table. NCLR's public policy expertise at the federal level, which includes a number of key issues also significant at the state level, has provided fertile ground for collaboration with state and local groups engaged in education, health, economic mobility, civil rights, and immigration issues. Through this work, NCLR hopes to create greater synergy among advocates working at the local, state, and federal levels, provide a state perspective in shaping the organization's national advocacy work, and disseminate information to NCLR affiliates and other partners regarding the implications of federal policy debates on their states.

NCLR has provided advocacy trainings and assistance in a variety of policy areas to groups in several states to strengthen their role as promoters of grassroots leadership and agents of social change. As part of this effort, NCLR also has prepared and disseminated a wide range of policy materials on key issues affecting Latinos. As an example, NCLR staff members have worked with groups in Virginia, Tennessee, Michigan, Florida, New Mexico, Kansas, Missouri, Colorado, and other states on policies affecting immigrant access to higher education and driver's licenses. In addition to that work, NCLR has also expanded the work of its Policy Center by placing staff in California and Texas, states that due to the size and growth of their Latino population play important roles in public policy debates affecting this community within their borders and at the national level.

California and Texas

The Latino and immigrant communities provide a growing political and cultural presence and help fuel the economy and diversity of the nation. Although distinct, there is much overlap between these two communities, as Latinos account for the largest share of the immigrant population. This is particularly true in California and Texas, the states with the first-and second-largest Latino populations and first-and fourth-largest immigrant populations in the country. However, despite their many contributions to these states, much remains to be done to improve the living

standard of these communities. With expected budget shortfalls of $34 billion in California and nearly $10 billion in Texas through 2005, a concerted effort must be made to ensure that traditionally-underserved populations within these states do not bear the brunt of the fiscal crisis.

California is the most populated state in the nation. According to 2000 Census figures, the state had a population of 33.9 million. One in three Californians is Latino, with the state representing 31% of the U.S. Latino population. Similarly, 8.8 million of the state's residents were foreign-born, accounting for 31% of the nation's immigrant population.

Texas, the third most populous state in the country, had a population of 20.9 million in 2000. In that year, 6.6 million Latinos resided in Texas, accounting for 32% of the state's total population and 19% of the nation's Latinos. Of the U.S. foreign-born population, 8.5%, or 2.4 million, lived in Texas in 2000.

As outlined below, NCLR is working on several issues that will improve the quality of life for Latino and immigrant communities, as well as the economic and social outlook of California and Texas.

Health

In both California and Texas, Latinos compose the highest percentage of the uninsured population. Uninsured rates for immigrant populations in both states are even higher than for Latinos.

Texas

- In 2000, 36.7% of Latinos in Texas were uninsured.
- Although Latinos represent 32% of the state's population, they account for 57.6% of those without insurance.
- In 1999, of the 1.4 million uninsured children in Texas, 56% were Latino.

California

- 28% of Latinos had no health insurance coverage for all or part of 2001 in comparison with 9% of Whites, 9% of African Americans, and 13% of Asian American and Pacific Islanders (AAPI).
- In 1999, 28% of Latino children were uninsured compared with 8%, 20%, and 18% for their White, African American, and AAPI counterparts.

Some of the obstacles Latinos and immigrants encounter in their efforts to access health care include ineffective outreach strategies, untrained health care eligibility workers, complicated application and enrollment processes, and lack of linguistically appropriate services. Furthermore, many eligible individuals refrain from seeking access to health programs due to the confusing intersection between immigration provisions and access to services. Taken together, these factors have a deterrent effect on Latino and immigrant populations' willingness and ability to seek care, a situation that can have a serious impact on public health. Policies must be formulated to guarantee that all residents have equal access to quality care and other services that safeguard the health and well-being of the entire community.

NCLR supports proposals that maximize states' options to reduce barriers and make health care more accessible, particularly provisions that will: (1) expand health care to all state residents; (2) provide culturally and linguistically adequate services; (3) help employers provide health benefits to all their employees; (4) provide effective outreach to the Latino and immigrant communities about health care programs and public charge issues; (5) provide continuous training of health care eligibility workers and out-station them in the community; and (6) simplify the application and enrollment process.

Driver's Licenses

Policies on issuance of driver's licenses, long centered on public safety concerns, have increasingly taken national security and immigration policy undertones, both at the state and federal levels. Until recently, requirements for obtaining a driver's license were based on an individual's ability to prove identity, driving skill, and knowledge of traffic and safety regulations – factors that gave state Departments of Motor Vehicles (DMVs) the ability to fulfill their public safety missions. Since September 11, 2001, many states have begun to impose restrictions on immigrants' ability to obtain licenses in ways that, at best, disregard the complicated nature of our immigration laws and, at worst, result in increased discrimination and harassment against this population and others who are perceived to be immigrants. Requiring a Social Security Number (SSN) and/or proof of legal immigration status has resulted in denying access to driver's licenses and identification cards to immigrants – undocumented as well as legally present and in the process of adjusting to legal status – who can legitimately prove their identity and their ability to drive. Moreover, implementation of these requirements turns DMVs into immigration enforcers, a role these agencies are neither trained nor funded to undertake and which could result in fomenting discrimination against entire groups. These

measures force vulnerable immigrant populations further underground, undermining public safety by increasing the number of unlicensed and uninsured drivers on the road and weakening relations with law enforcement which are necessary to improve national security.

In contrast, several states use SSNs and proof of lawful presence as two of several options of legitimate documents applicants can provide to verify their identity; federal and state governments would be well served by exploring similar options that prevent identity theft, without sacrificing safety on public roads or undermining national security. Legislators in the California and Texas legislature have gained bipartisan support in previous sessions for proposals to expand the number of legitimate documents an individual may use to obtain a driver's license. It is expected that similar legislation will be taken up in the current legislative sessions.

NCLR supports measures that advance public safety and national security, and uphold civil and immigrant rights. NCLR believes that a driver's license should be proof of one's authorization to operate a motor vehicle and proof of one's identity; driver's licenses should not be tied to immigration status, and state Departments of Motor Vehicles should not be responsible for making determinations based on immigration status.

Language Access

In addition to the rising costs of services and insurance coverage, there are other nonfinancial factors that create equally significant barriers to access to health care and other programs. For example, many language minority populations are not fully aware of available programs for which they are eligible, or have experienced delays or denial of crucial services to which they are lawfully entitled, due to lack of language-appropriate services. In California, NCLR has been working with a large group of advocates to ensure state compliance with the Dymally-Alatorre Bilingual Services Act of 1973, which requires state agencies to provide bilingual services when 5% or more of its clients in a given region speak a language other than English. Steps in that direction enhance the accessibility of state government and its agencies for all Californians and improve the quality and effectiveness of available programs. In fact, a recent study cited in the Santa Cruz Sentinel found that the use of family members or untrained bilingual nurses resulted in critical and life-threatening consequences.

NCLR will continue to work to achieve full compliance with the Dymally-Alatorre Act, and will support additional measures that increase government's ability to communicate

effectively with its constituency – a segment of which is composed of English learners who contribute to the state's tax base and represent emerging civic and political forces within the state.

Naturalization

Naturalization is the critical last step that new Americans take in order to participate fully in the civic life of the United States. Adequate funding for English classes and education would greatly assist immigrants in achieving this step, as waiting lists abound. Programs such as California's Naturalization Service Program, which has assisted well over 74,000 immigrants become U.S. citizens, are a crucial step toward achieving the successful integration of immigrants and reinforcing the nation's democratic values.

NCLR supports full funding for the Naturalization Services Program, as well as measures that enlist the support and participation of community-based organizations (CBOs) in efforts to maximize outreach and outcomes. Finally, NCLR supports proposals to provide additional resources for citizenship campaigns.

Education

In California and Texas, more than two out of every five students enrolled in public schools are Latino. In the 2001-2002 school year, Latinos constituted 44.2% of the over 6.1 million students enrolled in California public elementary and secondary schools. In Texas, for the same period, Hispanic children constituted 41% of the four million students in the state's public schools. These figures strongly indicate that improving the performance of Latino students is a precondition for the future economic and social well-being of these two states, and that considerable investments in teacher training, curriculum development, and the quality of education must be made to achieve that goal.

As more states adopt standards-based reforms to increase accountability in the educational system, close attention must be paid to the implications for underserved populations and English language learners (ELLs). If tests prove invalid or are used inappropriately, Latino students are likely to experience disproportionate increases in grade retention, and their chances of dropping out will increase significantly. Therefore, assessments used to measure academic progress and English-language acquisition must be designed and developed (including pilot and field tests) in a manner that ensures their validity and reliability, and accompanied by regulations or

guidance from state education agencies prescribing appropriate testing protocols. Continuous exemption of ELL students from testing requirements will not create incentives for schools to improve this group's performance.

The following policy priorities will be critical to improving the educational status of Latino students in these two states:

State Implementation of the No Child Left Behind Act (NCLB)

Following passage of NCLB – federal education reform intended to close the achievement gap between economically-disadvantaged minority children and their more affluent nonminority peers – states are now developing plans for its implementation. NCLB made improving academic and English language acquisition outcomes for low-income, minority, and English language learner students a national priority.

In Texas, in 2003, the first group of third graders affected by state legislation adopted in 1999 that ends social promotions will be tested on the new Texas Assessment of Knowledge and Skills (TAKS) exam. In addition to taking steps to ensure that all children are receiving the assistance they need and teachers are receiving quality training to respond to those needs, the state must consider other measures to prevent the inevitable dropout backlash that will result from those who are held back because of testing.

NCLR supports state proposals that make use of NCLB provisions to increase learning opportunities for low-income minority and ELL students, expand professional development opportunities for the teachers, and enhance reading instruction assistance for the schools these children attend. Specifically, states must (1) ensure that Latino and ELL parents receive the information they need to support their children's education; (2) take advantage of flexibility provided under NCLB to adopt assessment and accountability systems based on multiple measures; and (3) ensure that adequate resources are allocated to schools with large ELL populations.

California Master Plan for Education

In addition to NCLB implementation, California has designed its own set of education goals. The California Master Plan for Education contains 174 recommendations for structural changes to improve and transform student learning over a 20-year period. The plan attempts to address major issues that impede

student achievement, such as disparities in educational quality from pre-K through postsecondary education, particularly for low-income and minority students, and proposes that the state provide voluntary access to formal preschool programs – an important measure for Latinos, who constitute 53% of children ages three to five in California who are eligible for, but not enrolled in, preschool or kindergarten.

Subsequently, preparation at the primary and secondary levels with rigorous academic content is necessary to ensure that students have college and career options available to them. Currently, only 34.8% of graduating high school students in California successfully complete the necessary coursework for admission to the state's public universities. For Latinos, the rate is much lower with only 22% completing college preparatory coursework. The Master Plan proposes that the state provide the learning support necessary to enable students to successfully complete postsecondary readiness curricula, including resources for career guidance and assistance.

NCLR supports measures designed to close the achievement gap in Latino and ELL student performance. Specifically, NCLR supports proposals in the Master Plan that would (1) expand access to high-quality early childhood education programs for Latino and ELL children; (2) provide Latino students with equitable access to quality instruction and rigorous curricula that can help them meet the challenging standards set in the Master Plan and by NCLR; and (3) help increase Hispanic participation in postsecondary education.

School Finance Reform

As Texas prepares to review its school finance system, it is imperative that the state adopt measures to improve equality of educational opportunity. Emphasis should be placed on efforts that help all students perform to high standards, as opposed to funding formulas that exacerbate the educational gaps between Latino and ELL students and their peers. As Texas continues to apply stricter performance standards to which students, teachers, and their schools are held accountable, the state must do its part to ensure that schools have the necessary resources to ensure that their students can meet those standards.

NCLR supports educational policies that promote equitable access to sound public education instruction and curriculum for all children.

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POPULATION TABLES

Table 1

States Ranked by Hispanic Population - 1990 and 2000

	1990	Percent	2000	Percent	% Growth
California	7,687,938	25.8%	10,966,556	32.4%	42.6%
Texas	4,339,905	25.5%	6,669,666	32.0%	53.7%
New York	2,214,026	12.3%	2,867,583	15.1%	29.5%
Florida	1,574,143	12.2%	2,682,715	16.8%	70.4%
Illinois	904,446	7.9%	1,530,262	12.3%	69.2%
Arizona	688,338	18.8%	1,295,617	25.3%	88.2%
New Jersey	739,861	9.6%	1,117,191	13.3%	51.0%
New Mexico	579,224	38.2%	765,386	42.1%	32.1%
Colorado	424,302	12.9%	735,601	17.1%	73.4%
Washington	214,570	4.4%	441,509	7.5%	106.0%
Georgia	108,922	1.7%	435,227	5.3%	300.0%
Massachusetts	287,549	4.8%	428,729	6.8%	49.1%
Pennsylvania	232,262	2.0%	394,088	3.2%	69.7%
Nevada	124,419	10.4%	393,970	19.7%	217.0%
North Carolina	76,726	1.2%	378,963	4.7%	394.0%
Virginia	160,288	2.6%	329,540	4.7%	106.0%
Michigan	201,596	2.2%	323,877	3.3%	60.7%
Connecticut	213,116	6.5%	320,323	9.4%	50.3%
Oregon	112,707	4.0%	275,314	8.0%	144.0%
Maryland	125,102	2.6%	227,916	4.3%	82.2%
Ohio	139,696	1.3%	217,123	1.9%	55.4%
Indiana	98,788	1.8%	214,536	3.5%	117.0%
Utah	84,597	4.9%	201,559	9.0%	138.0%
Wisconsin	93,194	1.9%	192,921	3.6%	107.0%
Kansas	93,670	3.8%	188,252	7.0%	101.0%
Oklahoma	86,160	2.7%	179,304	5.2%	108.0%
Minnesota	53,884	1.2%	143,382	2.9%	167.0%
Tennessee	32,741	0.7%	123,838	2.2%	278.0%
Missouri	61,702	1.2%	118,592	2.1%	92.2%
Louisiana	93,044	2.2%	107,738	2.4%	16.0%
Idaho	52,927	5.3%	101,690	7.9%	92.1%
South Carolina	30,551	0.9%	95,076	2.4%	211.0%
Nebraska	36,969	2.3%	94,425	5.5%	155.0%
Rhode Island	45,752	4.6%	90,820	8.7%	98.5%
Hawaii	81,390	7.3%	87,699	7.2%	7.8%
Arkansas	19,876	0.8%	86,866	3.2%	337.0%
Iowa	32,647	1.2%	82,473	2.8%	153.0%
Alabama	24,629	0.6%	75,830	1.7%	208.0%
Kentucky	21,984	0.6%	59,939	1.5%	173.0%
District of Columbia	32,710	5.4%	44,953	7.9%	37.4%
Mississippi	15,931	0.6%	39,569	1.4%	148.0%
Delaware	15,820	2.4%	37,277	4.8%	136.0%
Wyoming	25,751	5.7%	31,669	6.4%	22.3%
Alaska	17,803	3.2%	25,852	4.1%	45.2%
New Hampshire	11,333	1.0%	20,489	1.7%	80.8%
Montana	12,174	1.5%	18,081	2.0%	48.5%
West Virginia	8,489	0.5%	12,279	0.7%	44.6%
South Dakota	5,252	0.8%	10,903	1.4%	108.0%
Maine	6,829	0.6%	9,360	0.7%	37.1%
North Dakota	4,665	0.7%	7,786	1.2%	66.9%
Vermont	3,661	0.7%	5,504	0.9%	50.3%
Total	**22,354,059**		**35,305,818**		

Source: U.S. Census Bureau

Table 2

States Ranked by Growth of Hispanic Population- 1990 to 2000

	1990	Percent	2000	Percent	% Growth
North Carolina	76,726	1.2%	378,963	4.7%	394.0%
Arkansas	19,876	0.8%	86,866	3.2%	337.0%
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Source: U.S. Census Bureau

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